

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 95005

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. Temporary (See 95010)

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

YES ADOPTED BY COMMISSION

AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

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Effective Date _____

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Governor's Signature

Nevada State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [xx] Emergency []

Brief description of action: Petition 95005 temporarily amends NAC 445B.362 and 445B.363 by changing the formula for calculating emissions of particulate matter. The temporary regulation provides regulatory relief to sources of air pollution by correcting the method used to calculate PM₁₀ emissions.

Authority citation other than 233B: NRS 445.461

Notice date: January 18; January 25 and February 2, 1995

Hearing date: February 16, 1995

Date of Adoption of Agency: February 16, 1995

**LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 95005**

The following statement is submitted for adopted temporary amendments to Nevada Administrative Code (NAC) Section 445B.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 95005 was noticed three (3) times: 1-18-95, 1-25-95 and 2-02-95 in the Las Vegas Review and Reno Gazette-Journal newspapers. One public comment was received. See below for a summary of the comment.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. Written comments were received from Nevada Power Company prior to the hearing. The comments favored adoption on the grounds that not all regulated sources of air pollution which emit particulate matter emit the same exact fraction of the smaller component, PM₁₀. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670.

3. If the regulation was adopted without changing any part of the proposed temporary regulation, a summary of the reasons for adopting the regulation without change.

The temporary regulation was adopted at the State Environmental Commission hearing on February 16, 1995 without any change.

4. The estimated economic effect of the adopted temporary regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

- a. The adopted temporary amendments to the NAC only impact those sources who could not comply with the 0.6 fractionation in the new standard. These facilities can continue to operate as they have in the past.
- b. There is no estimated effect on the public, either adverse or beneficial, nor immediate or long-term.

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5. The estimated cost to the agency for enforcement of the adopted temporary regulation.

There is no additional cost to the agency for enforcement.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

The adopted temporary regulation corrects a technical oversight in the existing regulation. It does not duplicate or overlap any existing regulations of either the State of Nevada nor the U.S. Government.

ADOPTED TEMPORARY REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION

Petition 95005

Explanation: Matter in [] is matter to be deleted. Matter in *italics* is new language.

AUTHORITY: NRS 445.461

Section 1. NAC 445B.362 is hereby amended to read as follows:

445B.362 Fuel-burning equipment.

1. No person may cause or permit the emission of PM₁₀ resulting from the combustion of fuel in fuel-burning equipment in excess of the quantity set forth in the following formulas:

(a) For input of heat equal to or greater than 4 million Btu's per hour, but less than or equal to 10 million Btu's per hour, the allowable emission is 0.36 of a pound per million Btu's of input of heat.

(b) For input of heat greater than 10 million Btu's per hour, but less than 4,000 million Btu's per hour, the allowable emissions must be calculated using the following equation:

$$[Y = 0.6 (1.02X^{-0.231})]$$

$$Y = 1.02X^{-0.231}$$

(c) For input of heat equal to or greater than 4,000 million Btu's per hour, the emission must be calculated using the following equation:

$$[Y = [0.6 (17.0X^{-0.568})]$$

$$Y = 17.0X^{-0.568}$$

2. For the purposes of paragraphs (b) and (c) of subsection 1:

(a) "X" means the operating rate in million Btu's per hour.

(b) "Y" means the allowable rate of emission in pounds per million Btu's.

Section 2. NAC 445B.363 is hereby amended to read as follows:

445B.363 Sources not otherwise limited.

1. Owners or operators of sources not otherwise included in NAC 445B.360 to 445B.367, inclusive, shall not cause or permit PM_{10} to be discharged from any single source into the atmosphere in excess of the allowable emission determined by the use of the formula contained in subsection 2 or 3.

2. When the maximum allowable throughput is less than 30 tons per hour, the maximum allowable weight discharged per hour must be determined by using the following equation:

$$[E = 0.6 (4.10P^{0.67})]$$

$$E = 4.10P^{0.67}$$

3. When the maximum allowable throughput equals or exceeds 30 tons per hour, the maximum allowable weight discharged per hour must be determined by using the following equation:

$$[E = 0.6 (55P^{0.11} - 40)]$$

$$E = 55P^{0.11} - 40$$

4. For the purposes of subsections 2 and 3:

(a) "E" means the maximum rate of emission in pounds per hour.

(b) "P" means the maximum allowable throughput in tons per hour.

END OF PETITION 95005